IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1029 OF 2006
IN
APPEAL FROM ORDER NO.758 OF 2006

Mr.Pradeep Madhav Mahale and other ..Applicants

V/s.

M/s.Buildarch and other ..Respondents

Mr.G.S.Godbole, advocate for applicants
Mr.Viren Tuljapurkar, advocate for respondents

Coram : D.G.Karnik, J

Date : 21st November, 2006

P.C.

1. Heard learned counsel for the parties and Mr.Viren Tuljapurkar for respondents. Perused affidavit dated 20th November, 2006. In the affidavit it is stated that all the flats have been alloted as per the statement annexed to the affidavit. On perusal of the statement it is seen that flats in respect of which injunction is claimed has been alloted to a third party. Hence, at this stage no interim relief can be granted. Similarly, receiver cannot be appointed to take possession of the flat as third party interest has

already been created. In the circumstances, civil application is rejected.

(D.G.Karnik, J.)